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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS -
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	:	
	:	<u>Administrative Action</u>
LORI R. HOLLAND, V.M.D.	:	
	:	
TO PRACTICE VETERINARY MEDICINE	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of two consumer complaints filed respectively by Pamela Debah and Rayna Regenthal following visits with their pets to Lori R. Holland, V.M.D., at Alliance Emergency Veterinary Clinic ("Alliance"). In their complaints to the Board, the consumers alleged that the respondent Dr. Holland had engaged in professional misconduct and negligence and had failed to respond to an emergency in the treatment of their

dogs. Ms. Regenthal also complained that Dr. Holland had provided false and misleading advertising of her professional services.

The initial complaint alleged that on November 11, 2002, at approximately 9:00 p.m., Mrs. Debah took her seven year old dog, "Tippy," to Alliance following an accident in which the dog suffered a large facial wound. No veterinarian was on the premises when Tippy arrived. Approximately two hours later, Tippy was seen by Dr. Holland. The respondent examined the dog and diagnosed one fracture to the Zygomatic arch around the eye. However, Tippy was head shy and would not let Dr. Holland clean, dress and assess the wound thoroughly. Dr. Holland took x-rays of the facial area in order to assess if any other facial bones were fractured. The x-rays confirmed the fracture to the Zygomatic arch but the dog had been difficult to radiograph. Hence, the respondent recommended sedating Tippy in order to get better films.

Dr. Holland further explained to Mrs. Debah her plan of treatment for Tippy assuming that the dog's condition was as she had been able to assess. Dr. Holland however also advised the owner that if additional fractures to the facial bones existed, an orthopedist would have to perform the corrective surgery since she did not have the proper equipment. The owner refused to have Tippy sedated twice, should there be other fractures, and therefore declined consent to have the dog sedated in order to re-take the x-rays. Therefore, during the dog's stay in Alliance, in addition to the x-rays, Dr.

Holland was able to clean Tippy's wound, apply antibiotic ointment and administer an IV drip antibiotic.

In her January 31, 2003, response to the Board concerning this complaint, Dr. Holland admitted that she was not in her office when Tippy was brought in for emergency care. She advised that her office hours had not yet begun. The respondent also maintained that she had treated Tippy within the confines of owner wishes and pet tolerance.

In the second complaint filed with the Board, the consumer maintains that she brought her puppy, "Abby," to Alliance on December 20, 2002. The dog had suffered a laceration to her leg which was bleeding profusely. Again, no veterinarian was present at the clinic. Dr. Holland was contacted via telephone and her veterinary technicians followed her medical directions for Abby which included placing a bandage on Abby's bleeding leg. Dr. Holland then made an effort to come to the clinic earlier than she was scheduled in order to treat the dog. However, after waiting at Alliance at least an hour, the owner left and took Abby to West Caldwell Emergency Veterinary Clinic. Veterinarians there tended to the dog immediately and Abby subsequently recovered fully from her wound. Dr. Holland maintains that she arrived at Alliance shortly after Ms. Regenthal's departure.

In her written correspondence to the Board, Dr. Holland again admitted that no veterinarian was at Alliance when Abby arrived. She

maintained that the dog had arrived at the clinic at a time when it was not "yet opened for business". Dr. Holland asserted that her staff attempted to assist Abby and that she came in early to attend to the dog. The respondent further asserted that the owner became upset with the treatment she received at Alliance when she was provided, at her request, an estimate of the costs for the veterinary services. Finally, Dr. Holland contends that her staff repeatedly advised the owner to take Abby to West Caldwell Emergency Clinic since Alliance was not open at the time of her arrival.

Dr. Holland appeared at an May 28, 2003, investigative inquiry without counsel before the Board. At this inquiry, she explained that initially Alliance's operational hours were from 8:00 p.m. until 8:00 a.m. on weekdays and on Saturdays from 1:00 p.m. until Monday morning at 8:00 a.m. Prior to August 2002, Dr. Holland had a total of three (3) veterinarians working at Alliance. Subsequent to August 2002, as a result of injury and resignation, she became the only veterinarian at the clinic. Therefore, she now has the clinic staffed with veterinary technicians 24 hours a day but she begins office hours at 11:00 p.m. Dr. Holland further detailed her attempts to hire additional veterinarians since August 2002 without any success.

Following the Board's consideration of the entire record, including the testimony of the respondent, it appears to the Board that Dr. Holland may have violated or failed to comply with provisions

of the Veterinary Medical Practice Act and its accompanying regulations, contrary to N.J.S.A. 45:1-21(h), in that she improperly advertised Alliance as an "emergency" clinic, which, pursuant to N.J.S.A. 45:16-9.3(b) and N.J.A.C. 13:44-4.11, requires a veterinarian on the premises at all times. Additionally, the Board finds that Dr. Holland may have violated the mandates of N.J.S.A. 45:16-9.6 with her testimony that she and her husband, who is not a veterinarian, are the sole owners of Alliance. N.J.S.A. 45:16-9.6 requires that whenever the profession of veterinary medicine is carried on by a partnership, corporation or professional association, all partners or shareholders must be licensed veterinarians.

The Board concludes that the above facts establish a basis for disciplinary action against Dr. Holland. The respondent, wishing to resolve this matter without further proceedings, without admissions and without the recourse to formal disciplinary proceedings; and the respondent not contesting the basis for the entry of the within Order; and the Board being satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

IT IS on this ^{25TH} day of ~~JANUARY~~ ^{FEBRUARY} 2009

ORDERED that:

1. The respondent, Lori R. Holland, V.M.D., is hereby

assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the aggregate amount of **\$1,500.00**, consisting of a \$750.00 penalty for violation of the statutes and regulations governing emergency facilities and \$750.00 civil penalty for violations of the Board's shareholder statute. Payment for the civil penalty shall be submitted contemporaneously with the entry of this Consent Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Any subsequent violations will subject respondent to enhanced penalties as provided in N.J.S.A. 45:1-25.

2. Respondent is hereby assessed costs in the amount **\$669.00** incurred by the State in this matter. Payment for the costs shall be submitted by certified check or money order made payable to the Board of Veterinary Medical Examiners and submitted to the Board contemporaneously with the entry of this Consent Order. Payment shall be sent to Leslie G. Aronson, Executive Director, at the address listed in paragraph one above.

3. Failure to comply with any provisions of this Order or remit any and all civil penalty and costs payments required by this Order will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings for failure to

comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand the
within Consent Order and agree
to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.

LORI E. HOLLAND, V.M.D.

Dated: 1/15/09

Consent as to form and entry.

RICHARD P. EARLEY, ESQUIRE
Law Offices of Richard P. Earley

Dated: 01-14-2009